

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

MAGGIE J. BROWN)	
Claimant)	
VS.)	
)	
DOUGLAS COMMUNITY HEALTH)	Docket No. 242,785
Respondent)	
AND)	
)	
COMMERCIAL UNION INSURANCE COMPANY)	
Insurance Carrier)	

ORDER

Respondent and its insurance carrier appealed the February 1, 2000 Award entered by Administrative Law Judge Robert H. Foerschler. The Appeals Board heard oral argument on June 20, 2000.

APPEARANCES

John G. O'Connor of Kansas City, Kansas, appeared for claimant. Michael H. Stang of Overland Park, Kansas, appeared for respondent and its insurance carrier.

RECORD AND STIPULATIONS

The record considered by the Appeals Board and the parties' stipulations are listed in the Award.

ISSUES

This is a claim for a July 12, 1997 accident and resulting injury to the left ankle. The Judge gave greater weight to the functional impairment opinion of Dr. P. Brent Koprivica than that of Dr. Michael J. Poppa and awarded claimant benefits for a 10 percent permanent partial disability for a scheduled injury to the left lower leg.

Respondent and its insurance carrier contend Judge Foerschler erred. They argue that the Appeals Board should modify the Judge's findings because claimant's ankle sprain has allegedly resolved and any lingering symptoms are due to claimant's weight problems.

Conversely, claimant contends the Award should be affirmed as the Judge's findings and conclusions are well supported by the evidence.

The only issue before the Appeals Board on this review is the nature and extent of claimant's injury and disability.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record and considering the parties' arguments, the Appeals Board finds that the Award should be affirmed.

The Appeals Board agrees with, and adopts as its own, the findings and conclusions set forth in the Award. The Appeals Board affirms the Judge's conclusion that claimant has a 10 percent functional impairment to the left lower leg.

As found by the Judge, in this instance Dr. Koprivica's opinions are entitled more weight than Dr. Poppa's. The Board finds that Dr. Koprivica's diagnosis and opinions regarding claimant's loss of range of motion are more consistent with claimant's complaints, which the Appeals Board finds credible.

AWARD

WHEREFORE, the Appeals Board affirms the February 1, 2000 Award entered by Judge Foerschler.

IT IS SO ORDERED.

Dated this ____ day of June 2000.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: John G. O'Connor, Kansas City, KS
Michael H. Stang, Overland Park, KS
Robert H. Foerschler, Administrative Law Judge
Philip S. Harness, Director